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IT IS SO ORDERED.

Dated: June 16, 2020




Guy R. Humphrey
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: TAGNETICS INC.,

Case No. 19-30822

Judge Humphrey
Chapter 7

Order: (1) Granting in Part Motion to Reschedule Evidentiary Hearing (doc. 191) and Motion for Expedited Disposition (doc. 192); (2) Vacating Evidentiary Hearing; (3) Setting Oral Argument on Criminal Contempt Legal Issues; (4) Setting Hearing on Motion to Conduct Discovery (doc. 190); (4) Requiring Filings; and Ordering Other Matters

On May 28, 2020 the court entered an order (doc. 182), which scheduled an evidentiary hearing for June 25, 2020 concerning Kenneth Kayser, Ronald E. Earley, and Jonathan Hager, (the "Petitioning Creditors") *Motion to Hold Tagnetics Inc. in Criminal Contempt* (doc. 181) and to show cause why Tagnetics' should not be held in civil contempt for failure to comply with the court's prior orders (docs. 119 & 169). In addition to scheduling an evidentiary hearing, the court's Order (doc. 182) set a date for filing responses to the Motion for Criminal Contempt and dates for other required filings.

On June 12, 2020 Tagnetics filed an *Opposition to Motion to Hold Tagnetics in Criminal Contempt* (doc. 186), a *Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics* (doc. 190), and a *Motion to Reschedule Evidentiary Hearing* (doc. 191). In addition, Tagnetics filed a *Motion for Expedited Disposition* (doc. 192) requesting that the court

determine the foregoing issues on an expedited basis, prior to conducting the evidentiary hearing.

Upon review of the foregoing filings, Tagnetics' *Motion to Reschedule Evidentiary Hearing* (doc. 191) and *Motion for Expedited Disposition* (doc. 192) are **granted in part**.

Accordingly, the court's scheduling order (doc. 182) is **vacated** to the extent that it set an evidentiary hearing and established dates for filing witness lists, exhibit lists and proposed exhibits.

Further, on June 25, 2020 at the time of the originally scheduled evidentiary hearing (1:30 p.m. (Eastern Time)) the court shall hear oral argument and intends to rule on the issue of whether it has the authority to conduct a criminal contempt proceeding and to issue a criminal contempt sanction (docs. 181 & 186) and Tagnetics' motion to conduct discovery (doc. 190). The court will render an oral decision on both of those matters following oral argument. The court also intends to establish at that time a new date for the evidentiary hearing on the civil contempt matter and any other matters that remain pending, including any criminal contempt hearing should the court determine that it has the authority to proceed with the criminal contempt contested matter.

Counsel for Tagnetics and each of the Petitioning Creditors shall participate in the hearing which will be conducted telephonically on **June 25, 2020 at 1:30 p.m. (Eastern Time)**. The parties will be provided the information for joining the call prior to the telephonic hearing. The court will not be using videoconferencing for this hearing since there will be no evidentiary presentations.

The Petitioning Creditors shall file any reply memoranda regarding the criminal contempt legal issues (docs. 181 & 186) and any response to Tagnetics' *Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics* (doc. 190) not later than June 22, 2020 at 12:00 p.m. (noon) (Eastern Time).

The Clerk's office is not presently open for filing at the counter. Pro se filers must submit filings either by mail or by bringing them to the court and placing them in the Clerk's Office drop box just inside the main entrance. Unless otherwise ordered for cause shown, all filings received by mail will be file-stamped and entered on the docket with the date they are received by the court being the filing date on the court's docket. Attorneys must file filings through the court's Case Management/Electronic Case Filing (CM/ECF) system.

All other relief sought in the Tagnetics' *Motion to Reschedule Evidentiary Hearing* (doc. 191) and *Motion for Expedited Disposition* (doc. 192) is denied.

IT IS SO ORDERED.

Copies to: All Creditors and Parties in Interest, Plus

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